

Message Text

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14

ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-09 L-03

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FM AMEMBASSY VALLETTA

TO SECSTATE WASHDC 4098

INFO AMEMBASSY LONDON

AMEMBASSY ROME

AMEMBASSY BONN

USMISSION NATO

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E. O. 11652: N/ A

TAGS: PGOV, MT

SUBJ: CONSTITUTIONAL COURT TEMPORARILY RECONSTITUTED

REF: VALLETTA A-23

1. JUSTICEMAN BUTTIGIEG ANNOUNCED IN PARLIAMENT MAR 20 THAT CONSTITUTIONAL COURT WILL BE RECONSTITUTED MAR 22 FOR TEMPORARY THREE MONTH PERIOD PENDING TALKS WITH OPPOSITION NATIONALISTS ON ISSUE OF TWO- THIRDS MAJORITY REQUIRED TO AMEND CONSTITUTION. THESECOND MOST SENIOR JUSTICE, PROF. J. H. ZUEREB, WAS APPOINTED ACTING VICE PRESIDENT OF THE COURT.

2. BUTTIGIEG READ LETTER HE HAD SENT TO OPPOSITION LEADER BORG OLIVIER ON MAR 17, INVITING DISCUSSIONS ON THAT ISSUE, POINTING OUT THATTHE CONSTITUTION HAS BEEN APPROVED ONLY BY A SIMPLE MAJORITY 26 TO 24, AND THAT MAJORITY HAD NO RIGHT TO IMPOSE THAT ITS WILL COULD NOT BE CHANGED EXCEPT BY A TWO-THIRDS MAJORITY. LETTER PROPOSED THAT ON MATTERS ON WHICH THERE IS COMMON GROUND, THE TWO- THIRDS REQUIREMENT COULD BE MAINTAINED. ISSUES ON WHICH THERE IS NO AGREEMENT COULD BE SUBJECT TO AMENDMENT BY SIMPLE MAJORITY. BUTTIGIEG STATED
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THAT AT CONFERENCE OF COMMONWEALTH JUSTICE MINISTER IN LONDON, HE HAD DISCOVERED THAT MANY GOVERNMENTS HAD SIMILAR PROBLEMS ON AMENDING THEIR CONSTITUTIONS.

3. ONLY OPPOSITION REACTION WAS FROM NATIONALIST WHIP, ALBERT BORG OLIVERDE PUGET, WHO AGREED WITH BUTTIGIEG' S COMMENT THAT THREE MONTH TEMPORARY PERIODS HAD BEEN A NATIONALIST SUGGESTION, BUT MAINTAINED IT HAD ONLY BEEN A SUGGESTION AND THAT GOM UNDER OLBIGATION TO CONSTITUTE THE COURT PERMANENTLY.

4. COMMENT: BUTTIGIEG' S MOVE EFFECTIVELY PUTS CONSTITUTIONAL COURT ISSUE BACK IN NATIONALIST COURT, AND SOMEWHAT UNDERCUTS THEIR EFFORTS MAKE ISSUE OF SUBJ IN COUNCIL OF EUROPE (REFAIR). THE NATIONALISTS HAVE BEEN CONSISTENTLY VOTING AGAINST MEASURES GOM INTRODUCED, INCLUDING THOSE THEY HAVE SUPPORTED (E. G., REDUCING VOTING AGE TO EIGHTEEN), AND THEY ARE UNLIKELY TO ACCEPT BUTTIGIEG' S SUGGESTION ON CHANGING TWO-THIRDS REQUIREMENT. GETZ

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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